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To: USPTO
Exr. J. E. Chapman
Art Unit 3635

Date: 07/19/05

From: Werner H. Schroeder
Patent Agent
Reg. No. 36,387

Number of pages including cover sheet: 6

Comments: Response to second non-final
Rejection

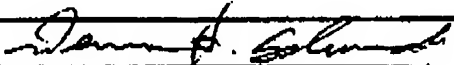
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/705 573	
	Filing Date	11/12/2003	
	First Named Inventor	Philip J. Schirino	
	Art Unit	2635	
	Examiner Name	Jessie E. Chapman	
Total Number of Pages in This Submission	5	Attorney Docket Number	

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavit/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation <input type="checkbox"/> Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below):
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Response to a third Office Action

Application No. 10/705,673

This communication is a response to a third Office Action and a second non-final rejection. The Office Action has a mailing date of 07/13/2005 and sets forth a shortened statutory for response of three months which would expire on 10/13/2005.

Remarks

Claims 10 - 12 are rejected under 35 U.S.C. 103(a) as being unpatentable by Eaton (6,755,001) in view of Damloa et al (6,092,350) and Waterman (3,276,947). The examiner states that "Eaton discloses a corrugated wall (floor) having corrugations therein." The examiner is incorrect in holding the floor construction of Eaton to be the equivalent of a wall. The floor of Eaton is constructed in piece by piece and once it is finished it cannot be erected on edge to act like a wall. This is simply not possible. the examiner further states:"

1. a fabric material 140 located on one side of the wall
2. cementitious material layer 130 located on the interior of the fabric material
3. a rigid longitudinal structural element 122 located along edges of the wall."

As to 1. There is no fabric material located on one side of wall of Eaton. What the examiner identifies as the fabric 140 in reality is a grid system consisting of a mesh of metal rods identified as steel. This does not constitute a fabric identified by applicant as cloth layers of woven or non-woven fabric. The examiner further states that "the fabric 140 is located on one side of the wall". Applicant claims a fabric material located on both sides of the wall as in a sandwich construction.

As to 2. The examiner states that "the cementitious material 130 is located on the interior of the fabric material. This is a wrong interpretation of the Eaton structure. Once the concrete in Eaton is poured to construct the floor, the metal grid 130